

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM WINFREY,

Plaintiff,

v.

FREEDOM MORTGAGE CORPORATION,
et al.,

Defendants.

CASE NO. C24-0966-JCC

ORDER

This matter comes before the Court on Defendants’ motion to dismiss (Dkt. No. 7). Having thoroughly considered the briefing and the relevant record, the Court GRANTS the motion for the reasons described below.

On July 1, 2024, Plaintiff filed a complaint in Island County Superior Court (Dkt. No. 1-1) seeking money damages, civil penalties, and equitable relief for Defendants’ alleged violations of the Truth in Lending Act and Washington’s Consumer Protection Act. (*See id.* at 5–9.) Defendants timely removed the matter to this Court based on federal question and diversity jurisdiction. (*See* Dkt. No. 1 at 2–3.) Shortly thereafter, on July 8, Defendants moved to dismiss

1 pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ (*See* Dkt. No. 7.)² Defendants served
2 notice of their motion on Plaintiff in accordance with LCR 5(b). (*See id.* at 7.) Yet Plaintiff failed
3 to respond to the motion. According to the Local Rules, the Court considers Plaintiff's failure to
4 respond "as an admission that [Defendant's] motion has merit." LCR 7(b)(2).

5 Accordingly, the Court deems Plaintiff's complaint barred by *res judicata* and/or
6 Plaintiff's claims as pleaded fail as a matter of law. Defendants' motion to dismiss (Dkt. No. 7)
7 is GRANTED. Plaintiff's claims are DISMISSED with prejudice.

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9 DATED this 13th day of August 2024.

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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

23 ¹ Defendants contend dismissal is appropriate because Plaintiff's claims are barred by *res*
24 *judicata*, as the instant complaint seeks to relitigate two prior Island County Superior Court
25 actions. (*See id.* at 8–11.) In addition, according to Defendants, the claims fail as a matter of law.
(*See id.* at 11–18.)

26 ² Defendants noted their motion in accordance with LCR 7(d)(3). (*See generally id.*) For
unknown reasons, they then extended the noting date to August 5, 2024. (*See* Dkt. No. 8.)